

Application No. 09/767,465
Amendment "C" dated July 27, 2005
Reply to Office Action mailed April 27, 2005

REMARKS

These remarks and the accompanying amendments are responsive to the Office Action mailed April 27, 2005 (hereinafter referred to as "the Office Action"). Claims 1-48 were pending at the time of the last examination. By this amendment, Claims 1, 13, 15, 23, 28, 34, and 39 are amended and Claims 46-48 are canceled. Reconsideration and allowance for the above-identified application are now respectfully requested in light of these remarks and the accompanying amendments.

Applicants and Applicants' attorney would first like to express appreciation to the Examiner for the courtesies extended during the recent interview held on May 19, 2005. Applicant's attorney found the suggestions discussed during the interview to be very helpful and has endeavored to implement the suggestions in the amended claims.

35 U.S.C. § 112

The Office Action rejects Claims 1-38 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly set forth the subject matter which Applicant regards as the invention. Specifically, the Office Action rejects independent Claims 1, 13, 23, and 34 as lacking proper antecedent basis for such claim terms as "the data channel" or "the existing tunnel." The Office Action was concerned that the claims as written may have referred to two separate data tunnels.

Applicants note that independent Claims 1, 13, 23, and 34 have all been amended to include proper antecedent basis for the data tunnel limitations. Specifically, all data tunnel limitations in the body of the claims refer to the data tunnel referenced in preamble of the claim. Applicants believe that by these amendments they have addressed the 35 U.S.C. § 112, second paragraph rejections.

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35 U.S.C. § 103

The Office Action rejected claims 1, 2, 9, 10, 13-16, 21-23, 26-34, 35, 37, and 38 under 35 U.S.C. § 103(a) as being unpatentable over *Salo et al.* (U.S. Patent No. 6,563,800) in view of *Hanson et al.* (U.S. Patent No. 6,546,425). The Office Action rejected claims 3-7 under 35 U.S.C. § 103(a) as being unpatentable over *Salo et al.* in view of *Wallach et al.* (U.S. Patent No. 6,292,905). The Office Action rejected claims 8, 11 and 12 as being unpatentable over *Salo et al.* and *Hanson et al.* in view of *Wallach et al.* and further in view of *McLaughlin* (U.S. Patent No. 6,138,049). The Office Action rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over *Salo et al.* and *Hanson et al.* in view of *Subramaniam et al.* (U.S. Patent No. 6,081,90). The Office Action rejected claim 19 under 35 U.S.C. § 103(a) as being unpatentable over *Salo* and *Hanson et al.* in view of *Roberts et al.* (U.S. Patent No. 6,295,551). The Office Action rejected claim 20 under 35 U.S.C. § 103(a) as being unpatentable over *Salo* and *Hanson et al.* in view of *Bendinelli et al.* (U.S. Patent No. 6,631,416). The Office Action rejected claim 24 under 35 U.S.C. § 103(a) as being unpatentable over *Salo* and *Hanson et al.* in view of *Bendinelli et al.* The Office Action rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over *Salo et al.* and *Hanson et al.* in view of *Subramaniam et al.* The Office Action rejected claim 36 under 35 U.S.C. § 103(a) as being unpatentable over *Salo et al.* and *Hanson et al.* in view of *Pandharipande* (U.S. Patent No. 6,529,500). The Office Action rejected claims 39-48 under 35 U.S.C. § 103(a) as being unpatentable over *Salo et al.* and *Hanson et al.* in view of *Shaheen et al.* (U.S. Patent No. 6,032,227).

Embodiments of the invention relate to systems and methods that allow a user to access the network data of an enterprise network through a data center. As discussed at the interview, the claims have been amended to clarify that the data tunnel between the data center and the

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enterprise network operates as a virtual private network through a firewall of the remote enterprise network without requiring a virtual private network node to be placed at the firewall. In addition the claims have been amended to clarify that the data tunnel is established by the data center transmitting reply data to the remote enterprise network in response to a request from remote enterprise network. As such, the data tunnel is established and exists prior to any user request for access to the network data. Claim 1, for example, has been amended to require (emphasis added):

in response to receiving a data request from the remote enterprise network, establishing the data tunnel with the remote enterprise network by transmitting reply data to the remote enterprise network, *the data tunnel operating as a virtual private network through a firewall of the remote enterprise network without requiring a virtual private network node to be placed at the firewall;*

continuing to transmit the reply data to the remote enterprise network in an ongoing manner such that the data tunnel is kept open;

receiving an access request from a user for network data from the remote enterprise network;

transmitting the access request to the remote enterprise network using the existing data tunnel that has been established and exists prior to the data center having received the access request;

Salo, however, either alone or in combination with the other references cited in the Office Action, fails to teach or suggest that the data tunnel between the data center and the enterprise network operates as a virtual private network (VPN) through a firewall of the remote enterprise network without requiring a virtual private network node to be placed at the firewall. In fact, *Salo* teaches away from this claim element by disclosing that the VPN requires use of a VPN node at the firewall. For example, in Figures 5A and 5B, *Salo* discloses virtual private network nodes 515 and 525 at firewalls 520 and 525 respectively. Further, *Salo* states in column 12, lines 52-53 that "[t]he encrypted data is transmitted over network 402 and decrypted by *dedicated VPN server 515*" (emphasis added). This description of dedicated VPN server 515 and network

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402 is in accordance with prior art virtual private networks that require a VPN node consisting of hardware and/or software that employ encryption and other security features to ensure safe data transmission. Accordingly, because *Salo*, either alone or in combination with the other references cited in the Office Action, does not disclose each and every element of Claim 1, *Salo* does not render pending Claim 1 unpatentable.

The remaining independent Claims 13, 23, 28, 34, and 39 have been similarly amended to clarify that the data tunnel between the data center and the enterprise network operates as a virtual private network through a firewall of the remote enterprise network without requiring a virtual private network node to be placed at the firewall. *Salo*, either alone or in combination with the other references cited in the Office Action, fails to teach or suggest the pending claims. Accordingly, Claims 13, 23, 28, 34, and 39 are not rendered unpatentable by *Salo*, either alone or in combination with the other references cited in the Office Action for at least those reasons stated above with regard to Claim 1.

The dependent claims – namely 2-12, 14-22, 24-27, 29-33, 35-38, and 40-45 – variously depend from an independent claim that is believed to be allowable as discussed above. The dependent claims therefore overcome the art of record for at least those reasons stated above with regard to Claim 1.

Accordingly, Applicants respectfully request that the Examiner remove the 35 U.S.C. § 112 and 103(a) rejections. Applicants and Applicants' attorney believe that they have addressed all of the issues raised by the Examiner in the Office Action and have put Claims 1-45 in a condition of allowance. Applicants therefore respectfully request that this application be allowed in a timely manner.

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In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 27 day of July, 2005.

Respectfully submitted,



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